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Attorneys for Defendant Walmart, Inc.

UNITED STATES DISTRICT COURT  
DISTRICT OF OREGON  
EUGENE DIVISION

DARCY BUDREAU,

Case No. 6:19-cv-00319

Plaintiff,

v.

**DEFENDANT'S NOTICE OF  
REMOVAL**

WALMART, INC., a foreign corporation,

**JURY TRIAL DEMANDED**

Defendant.

PLEASE TAKE NOTICE that, pursuant to 28 U.S.C. § 1441, § 1446, and § 1332(a), Defendant Walmart, Inc. ("Defendant") removes this action from the Circuit Court of the State of Oregon for the County of Marion to the United States District Court for the District of Oregon, Eugene Division pursuant to LR 3-2(a)(3).

**RELEVANT FACTS**

On February 11, 2019, Plaintiff served Defendant with a Summons and Complaint captioned *Darcy Budreau v. Walmart, Inc.*, Case No. 19CV06700, filed in the Circuit Court for

the State of Oregon for the County of Marion. *See* Declaration of John R. Barhoum (“Barhoum Decl.”), ¶2. Copies of the Summons and Complaint are attached hereto as Exhibits A and B, respectively. *Id.* These documents, taken together, constitute all process, pleadings, and orders served on Defendant in that action up to the present date. *Id.*

### **GROUND FOR REMOVAL**

Pursuant to 28 U.S.C. § 1441(a), a defendant may remove an action filed in the state court to the United States District Court if the district court has diversity jurisdiction over the action. This action is one over which the district court has diversity jurisdiction under 28 U.S.C. § 1332(a)(1). The grounds for removal of this action are:

1. Plaintiff’s principle claims for relief against Defendant exceed \$75,000. Plaintiff seeks damages of \$226,000.00. Complaint ¶13-15.

2. Plaintiff and Defendant are residents of different states. Plaintiff resides in Oregon and Defendant is a Delaware foreign business corporation. *See* Complaint ¶1-2; *see also* Defendant’s Corporate Disclosure Statement (being filed concurrently). Defendant’s principal place of business in Arkansas. Barhoum Decl., ¶3. Therefore, the United States District Court has diversity jurisdiction pursuant to 28 U.S.C. § 1332(a)(1).

3. This Notice of Removal is timely pursuant to 28 U.S.C. § 1446(b), as less than 30 days have elapsed since copies of the Summons and Complaint were served on Defendant. A copy of the Affidavit of Service provided by Plaintiff is attached hereto as Exhibit C. Barhoum Decl., ¶2.

4. No further proceedings have occurred in the Circuit Court of the State of Oregon for the County of Marion as of the date of this removal other than outlined herein.


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5. Counsel for Defendant will file a copy of this Notice of Removal with the Clerk of the Circuit Court of the State of Oregon for the County of Marion and will give notice of the same to Plaintiff as required by 28 U.S.C. § 1446(d).

WHEREFORE, Defendant prays that this action be removed from the Circuit Court for the State of Oregon for the County of Marion and placed on the docket of the United States District Court for the District of Oregon in the Eugene Division.

DATED this 5<sup>th</sup> day of March, 2019.

**CHOCK BARHOUM LLP**



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UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

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DARCY BUDREAU,

Case No. 6:19-cv-00319

Plaintiff,

v.

**CERTIFICATE OF SERVICE**

WALMART, INC., a foreign corporation

Defendant.

I hereby certify that a true copy of the foregoing **DEFENDANT'S NOTICE OF REMOVAL** was served on:

Jeffrey A. Trautman  
Trautman Law, LLC  
P.O. Box 549  
Salem, OR 97308

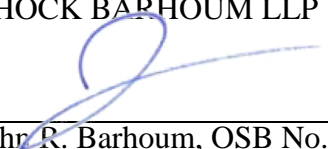
*Attorneys for Plaintiff*

- ☐ By hand delivery
- ☒ By first-class mail\*
- ☒ By electronic service through ECF system as identified on the Notice of Electronic Filing (NEF)
- ☐ By facsimile transmission  
Fax #: (503) 419-6079
- ☐ By e-mail:  
jeff@trautmanlawfirm.com

\*With first-class postage prepaid and deposited in Portland, Oregon.

DATED this 5<sup>th</sup> day of March, 2019.

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